

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NEW FOX RIDGE HOMEOWNERS ASSOCIATION
ADOPTING POLICY No. 1 of 2015
ESTABLISHING PROCEDURES FOR THE CONDUCT OF THE
ASSOCIATION'S ARCHITECTURAL REVIEW BOARD**

This Resolution is adopted by the Board of Directors of The New Fox Ridge Homeowners Association on the 18th day of August, 2015 and is effective immediately.

Recitals

The background of this Resolution is as follows:

R.1. The New Fox Ridge Homeowners Association (the "**Association**") is responsible for governance and maintenance of the residential planned community commonly known as New Fox Ridge located in the City of Harrisburg, Dauphin County, Pennsylvania (the "**Community**").

R.2. The Community is controlled by Amended and Restated Bylaws of The New Fox Ridge Homeowners Association (last amended 6/23/05) recorded in the Recorder of Deeds Office of Dauphin County, Pennsylvania on February 16, 2006 to Instrument # 20060006164 (as amended from time to time, the "**Bylaws**"), which Bylaws the Board of Directors deem to constitute a declaration for purposes of the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S. §§5101-5414 (as amended from time to time, the "**Act**").

R.3. The Board has enacted or in the future may enact rules and regulations (the "**Rules and Regulations**") to supplement the Bylaws and the Act and to fulfill the Board's obligation to operate the Community and the Association in the best interests of the Association. The Bylaws, Act, and Rules and Regulations are referred to herein as the "**Governing Documents**").

R.4. The Association was formed by the filing of Articles of Incorporation with the Corporation Bureau of the Pennsylvania Department of State on or about June 6, 1985, which Article of Incorporation were amended by the filing of Articles of Amendment – Domestic Corporation on June 29, 2005.

R.5. The Association, acting through its duly elected Board of Directors (the "**Board**"), is responsible for, among other rights and obligations, managing the common areas of the Community and carrying out the duties and responsibilities required by the Bylaws.

R.6. The Association is governed by certain provisions of the Act, including, without limitation, the power to adopt and amend rules and regulations relative to the Community.

R.7. Pursuant to Article IV, Section Two of the Bylaws, the Board has all authority granted by the Act, which includes the power to act in all instances on behalf of the Association.

R.8. The Board desires to adopt standard Rules and Regulations regarding the Conduct of Architectural Review required by the Bylaws. All capitalized terms herein shall have the meaning attributed by this Resolution or by the applicable Governing Document.

NOW THEREFORE, the Board hereby adopts the following restrictions and regulations for the Community (the “**Procedures for Architectural Review**”), which shall be binding upon all Unit Owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules or regulations on the same subject matter.

Section 1 -- Establishment and Purpose

The New Fox Ridge Homeowners Association (NFRHA) is required by the Association’s Bylaws to establish an Architectural Review Board (ARB) for the purpose of assuring exterior installations and modifications to the Units conform to applicable regulations and good practice. The primary purpose of having an ARB is to maintain and improve the appearance of our complex and the property values of all Units.

Section 2 -- Authority of the Architectural Review Board (ARB)

The ARB’s authority and activities are guided by the Property Deeds, the Association Bylaws, and by policies and procedures adopted by the Board. The property deeds and Association Bylaws mandate the existence and functioning of an Architectural Review Board.

Section 3 -- Composition of the Architectural Review Board (ARB)

- 3.1 The Architectural Review Board shall consist of three or more members of the Board of Directors appointed by the President (*Ref. Bylaws Article VII, Section 4a*) and approved by a majority of the Board of Directors. The makeup of the ARB may be changed from time to time by Board action.
- 3.2 Terms of service shall be for one year, coinciding with the Board as reconstituted following the Annual Meeting, except that members shall continue to serve until reappointed or replaced by the President.

- 3.2.1 Should a mid-term vacancy occur so as to reduce the composition of the ARB to fewer than three persons, the President shall appoint replacement(s) to bring the ARB's complement to at least three persons.
- 3.3 Members of the Architectural Review Board may be removed at any time by a majority vote of the Board of Directors (*Ref. Bylaws Article VII, Section 4a*).

Section 4. -- Responsibilities of the Architectural Review Board

- 4.1 As approved by the Board of Directors, the ARB shall:
- 4.1.1 establish and execute procedures that all Unit Owners are to follow when proposing a regulated exterior modification or installation.
 - 4.1.2 develop, update, and follow procedures for reviewing actions which come under ARB purview.
 - 4.1.3 develop, update, and follow procedures for rectifying violations of ARB Rules and Procedures.
 - 4.1.4 establish and execute procedures to assure that all Unit Owners understand the purposes of the ARB and the procedures to follow when proposing an exterior modification or installation.
 - 4.1.5 periodically review the material provided to new Unit Owners relating to the ARB and shall make appropriate improvements and updates as needed.
 - 4.1.6 use newsletters, handbills, and other communication methods used by the Association to promote the purposes of the ARB and procedures to be followed for ARB actions.
 - 4.1.7 review activities in the New Fox Ridge complex for activities which come under the ARB purview.
 - 4.1.8 collect and have available for ARB review, reference, and dissemination information concerning past decisions of the ARB.
 - 4.1.9 collect and have available for dissemination information concerning recommended materials, colors, and other aspects which come under ARB purview.
 - 4.1.10 advise the Board when observing that Units are not being maintained properly and recommend action.

Section 5 -- Responsibilities of Unit Owners

- 4.1 The Unit Owner shall be aware of the ARB Rules and Procedures and their particular applicability to any proposed action.
- 4.1.1 In case of a Unit Owner having any uncertainty when planning a proposed action and before formal application, the Unit Owner may request an opinion from the ARB.
- 4.2 Unit Owners shall assure that all modifications to Units and installations specified herein must be in conformance with Association's Governing Documents, as well as any deed restriction, the Hamilton NDP Urban Renewal Plan as amended, regulations of a Municipal Historic District, City of Harrisburg ordinances and regulations, and must be

approved by the Architectural Review Board before such modification or installation is made by the Unit Owner.

4.3 The Unit Owner is responsible and accountable to assure that the ARB regulations and procedures are followed by said Owner and by those acting in the Owner's behalf such as tenants, tradesmen, installers, and service persons.

4.3.1 Any modification or installation made to a Unit, whether by the Unit Owner or another acting in the Owner's behalf, which is not in conformance with these Regulations shall be corrected so as to be brought into conformance.

Section 5 -- Making A Request for Review and Approval

5.1 Due to the many possible different and unique requests, the ARB does not utilize a form for a homeowner to initiate a request. The requesting Owner shall make application providing information sufficient to fully describe the proposed action.

5.2 A request must be initiated by an Association home owner; no renter or non-owner may initiate a request to the ARB.

5.3 The request must be in writing, directed to the Chairperson of the ARB or to the Board President. The form of written communication and any attachments, such as letter, email, photos, catalogue cuts, etc., shall be adequate to convey the nature of the proposal. Email shall be an accepted means for a requestor to make a request and for the ARB to relay its communications and its decision.

5.3.1 If the request cannot be provided in a simple text email, provide nine copies, one copy for each Unit representative and one for the Board President. If the request can be issued using email, the requestor may email the application to the Chairman or Board President who will distribute the information to the ARB.

5.4 In order for the review period to commence, the request must be complete, containing enough information for the ARB to evaluate it and come to a decision. Depending on the proposal, pictures, catalog cuts, drawings, text explanations, color chips, material samples, City Codes applicability comments as required, etc. may help to more clearly convey the proposed work.

5.5 In instances where the requested action is not clear or is incomplete, the ARB will request enough further information to evaluate the request. The deficiencies will be conveyed to the requestor in writing and the requestor shall provide such information. The ARB review process does not begin until the ARB receives the requested information and has enough information to adequately review the request. If the review process has begun, the review process and any time limitations on making a decision are suspended until the requested information is provided.

5.6 A requestor may ask for an informal review and comment on a proposed action prior to making a formal proposal. This will have no influence on a properly submitted request which may come later, and will not initiate the ARB review period.

5.7 To increase efficiency in the ARB processes and operations, the ARB may, from time to time, attach to this document or otherwise issue a list of items that do and do not require approval, suggestions, areas of concern, conditions, information on previous determinations, and other information.

Section 6 -- ARB Review Process

6.1 The ARB must review the application in a timely manner; Bylaws require review and decision within 30 days, and if no decision is relayed to the requestor the request is deemed approved. The decision may include approval, approval with conditions, denial, or a request for further clarification of the request.

6.1.1 The time for review will not commence until the request has been distributed to the ARB and until a meeting can be scheduled so it can be placed on the agenda for review.

6.1.2 The ARB may communicate with the requestor during the review process to receive clarifications, to discuss potential conditions and modifications that could be applied to the request, and take similar actions. Until the pertinent communications are received and resolved to the Board's satisfaction, the request will be tabled, during which time the time remaining in the review process shall be suspended.

6.1.3 At the request of the ARB or the requestor, the requestor may agree to an extension of the time for review by a set or an indefinite period.

6.2 Email shall usually be an accepted means for a requestor to make a request, to receive communications from the Board, to respond to any Board requests, and for the ARB to relay its communications and its decision. However, if email is inadequate to convey the necessary information, other suitable communication methods shall be used.

6.2.1 The project shall not commence until the requestor has received the ARB's approval (or conditional approval) in writing.

6.3 Approval of an application does not authorize unlimited time for commencing implementation. Unless a different term is stated in the approval, approval expires in six months. To proceed thereafter, the requesting Owner must reapply for approval. The Board may require updating and supplemental information.

6.3.1 Due to subsequent relevant changes in the Association's Governing Documents or other applicable laws in the intervening period, the Board may have cause to deny any extension and withdraw approval.

6.4 Any Unit Owner may appeal a decision of the Architectural Review Board to the Board of Directors within thirty (30) days of the Architectural Review Board's decision. In such an occurrence, the ARB shall notify the requesting party of the appeal, and the implementation of the proposal shall be stayed until the appeal is acted upon.

6.4.1 The appeal shall be heard by the entire Board of Directors.

Section 7 -- Modification or Installations to Units that Require Approval

reserved

Section 8 -- Record Keeping

reserved